



Community Development Department

BISMARCK BOARD OF ADJUSTMENT MEETING AGENDA

October 5, 2017

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

MINUTES

1. Consider the minutes of the September 7, 2017 meeting of the Board of Adjustment.

REQUESTS / PUBLIC HEARING

2. **Variance from Section 14-04-12(6) of the City Code of Ordinances (CG – Commercial / Front Yard)** – Tract 118 of part of Blocks 5 and 7, Original Plat (118 South 3rd Street) | VAR2017-021

Owner / Applicant: Capital Entertainment Corporation – Borrowed Bucks Roadhouse

Board Action: ☐approve ☐continue ☐table ☐deny

3. **Variance from Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading)** – Lot 5 and the North 50 feet of Lot 6, Block 1, Gomke Estates (5750 East Main Avenue) | VAR2017-020

Owner / Applicant: Ryan Deichert

Board Action: ☐approve ☐continue ☐table ☐deny

4. **Variances from Sections 14-04-03(4) of the City Code of Ordinances (R5 – Residential / Lot Area); 14-04-03(6) of the City Code of Ordinances (R5 – Residential / Lot Coverage); 14-04-03(8) of the City Code of Ordinances (R5 – Residential Side Yard); 14-04-03(9) of the City Code of Ordinances (R5 – Residential / Rear Yard)** – The South 94.05 feet of Lot 1, lock 2, Riverview Addition (404 West Rosser Avenue) | VAR2017-022

Owner / Applicant: Jordan Hochhalter

Board Action: ☐approve ☐continue ☐table ☐deny





Community Development Department

OTHER BUSINESS

ADJOURNMENT

5. **Adjournment.** The next regular meeting date is scheduled for November 2, 2017.



BOARD OF ADJUSTMENT PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Board of Adjustment will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Board of Adjustment will introduce the item on the agenda and ask staff to present the staff report.
2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.
3. The members of the Board of Adjustment may ask staff questions about the request itself, but they will not discuss the request prior to obtaining input from the public.
4. The Chair of the Board of Adjustment will then open the public hearing on the request and ask if anyone would like to speak to the Board.
5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Board of Adjustment at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.
7. Please be respectful of the Board of Adjustment, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Board of Adjustment, not questions directly from those speaking at the public hearing.
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Board of Adjustment may ask questions of those speaking, but may also listen and deliberate after the public hearing is closed.
9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion for the agenda item. No additional comments from the public are allowed after the public hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.
10. The Board of Adjustment members will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Board will make its decision.

**BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
September 7, 2017**

The Bismarck Board of Adjustment met on September 7, 2017, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Marback presided.

Members present were Chris Seifert, Curtis Janssen, Jennifer Clark, Michael Marback and Rick Wohl.

Member absent was Ken Hoff.

Staff members present were Jenny Wollmuth – Planner, Brady Blaskowski – Building Official, Will Hutchings – Planner, Melanie LaCour – Assistant City Attorney and Hilary Balzum – Community Development Administrative Assistant.

MINUTES:

Chairman Marback called for approval of the minutes of the August 3, 2017 meeting of the Board of Adjustment.

MOTION: A motion was made by Mr. Seifert and seconded by Mr. Janssen to approve the minutes of the August 3, 2017 meeting, as presented. With Board Members Clark, Janssen, Marback, Seifert and Wohl voting in favor, the minutes were approved.

VARIANCE FROM SECTION 14-04-16 OF THE CITY CODE OF ORDINANCES (P-PUBLIC)(FRONT YARD) – LOTS 2-3, BLOCK 1, HIGH SCHOOL ADDITION (1000 EAST CENTURY AVENUE)

Chairman Marback stated the applicant, Bismarck Public School District, is requesting a variance to reduce the required front yard setback for a property located within the P – Public zoning district from twenty-five (25) feet to twenty-two and one half (22.5) feet for the purpose of constructing an addition along the east side of Century High School.

Ms. Wollmuth gave an overview of the request, including the following findings:

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the P-Public zoning classifications.
2. The hardship is not caused by the provisions of the Zoning Ordinance.

3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Ms. Wollmuth said staff recommends reviewing the findings in the staff report and modifying them as necessary to support the decision of the Board.

Chairman Marback opened the public hearing.

Darin Scherr, Bismarck Public Schools, said their goal with this request is for the new addition to match the front of the existing building. He said this would also allow the number of classrooms needed to be built as well as a flat front for appealing aesthetics.

Chairman Marback asked if it is possible a footing inspection was not performed when the school was originally built and if that is why the setback is already not in compliance. Ms. Wollmuth said that is likely to be the case.

Ms. Clark asked if approving this variance request would cover the existing setback issue or if that needs to be addressed separately. Ms. Wollmuth said that is not required and would inherently approve the existing setback issue.

There being no further comments, Chairman Marback closed the public hearing.

MOTION: A motion was made by Ms. Clark to approve the variance to reduce the required front yard setback for a property located within the P – Public zoning district from twenty-five (25) feet to twenty-two and one half (22.5) feet for the purpose of constructing an addition along the east side of Century High School on Lots 2-3, Block 1, High School Addition (1000 East Century Avenue), based on the existing structure being located within the setback and the minimum variance needed being requested. The motion was seconded by Mr. Wohl and with Board Members Clark, Janssen, Marback, Seifert and Wohl voting in favor of the motion, the motion was approved and the variance was granted.

**VARIANCE FROM SECTION 14-04-06(7)(R10-RESIDENTIAL)(FRONT YARD)
– LOT 1, BLOCK 4, EDGEWOOD VILLAGE FIRST ADDITION (3559
AUGUSTA PLACE)**

Chairman Marback stated the applicants, Philip and Carolyn Ehli, are requesting a variance to reduce the required front yard setback from twenty-five (25) feet to fifteen (15) feet for the purpose of constructing a single-family dwelling.

Ms. Wollmuth gave an overview of the request, including the following findings:

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the R10-Residential zoning classifications.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Ms. Wollmuth said staff recommends reviewing the findings in the staff report and modifying them as necessary to support the decision of the Board.

Chairman Marback asked if the measurement for the setback starts at the curve in the road. Ms. Wollmuth said that is correct.

Landon Niemiller, Swenson, Hagen & Co., explained that the adjacent paved turnaround is in place for emergency services and is not intended to provide access to the proposed single-family home. He said they prefer to avoid that altogether.

Ms. Clark asked if there is any other building design that could be done in order to avoid needing a variance. Mr. Niemiller said it would be difficult due to the slope in the rear of the lot and almost any configuration is going to meet some topographical challenges.

Chairman Marback asked how far it is from the end of the curb to the garage. Mr. Niemiller said that is 25 feet.

Chairman Marback opened the public hearing.

Chairman Marback asked how long the owners have possessed this property.

Philip Ehli said they have owned the lot for one year and designed the layout of the house around the topographical features of the lot.

Terry Pearson, Pearson Homebuilders, said they have gone through a lot of designs including a straight garage, which also did not make it fit, and that the best fit is at the angle shown today. He said they want to avoid having to move the deck further back onto the steep hill and are also working around a walkout basement without losing too much of the back yard. He said some houses nearby have erosion problems and they do not want to make that worse either.

Mr. Janssen asked if there are plans to build any retaining walls. Mr. Pearson said those will most likely be needed but he is not exactly sure yet as to where they will be.

Mr. Janssen said it seems they could meet to the 25-foot setback with an additional retaining wall built on the slope in the back of the lot. Mr. Pearson said they would like to keep the option of terracing the back yard open if possible.

Mr. Wohl asked if there are any slope restrictions in this area. Mr. Blaskowski said there are some setback requirements but they are not detailed here. He said the setback is measured from the footing of the structure in order to avoid foundation settling issues. He said those items would be addressed at the time the residential site plan is provided and reviewed.

Written comments in opposition to this request are attached as Exhibits A and B.

There being no further comments, Chairman Marback closed the public hearing.

Mr. Seifert said he has a problem with this request because these are things that need to be considered when purchasing a property. He said if the issues are known at that time, they can avoid setting a precedent by having to grant a variance.

Mr. Janssen said something significant would have to be done to accommodate the new house and work needs to be done so the setback requirements are met.

Ms. Clark said the property is unique because of the incline, but it does need more thought in order to further minimize the need for a variance or eliminate it altogether. She said several neighbors voiced their opinion in opposition to this request and she feels that deserves some weight as well.

MOTION: A motion was made by Ms. Clark to deny the variance to reduce the required front yard setback from twenty-five (25) feet to fifteen (15) feet for the purpose of constructing a single-family dwelling on Lot 1, Block 4, Edgewood Village First Addition (3559 August Place). The motion was seconded by Mr. Seifert and with Board Members Clark, Janssen, Marback,

Seifert and Wohl voting in favor of the motion, the motion was approved and the variance was denied.

VARIANCE FROM SECTION 14-04-01(6) – LOT 2, BLOCK 1, ENCHANTED WOODS SUBDIVISION (6565 EVERGREEN AVENUE)

Chairman Marback stated the applicants, Bradley and Kara Erickson, are requesting a variance to reduce the rear yard setback along the east side of their property from sixty-four (64) feet to fifty (50) feet for the purpose of constructing a single-family dwelling.

Ms. Wollmuth then gave an overview of the request and included the following findings:

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the RR-Residential zoning classifications.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Ms. Wollmuth said staff recommends reviewing the findings in the staff report and modifying them as necessary to support the decision of the Board.

Chairman Marback opened the public hearing.

Mr. Erickson explained that the map provided shows that this is a very uniquely shaped lot. He said they purchased it because of all of the trees and wildlife and either way they will have to remove some trees, but would have to remove less if they can put the house in the proposed location. He said they would also run into a natural deer trail if they move the house any further back and there is some drainage that runs through those trees as well that they would like to avoid interfering with.

Mr. Seifert asked if they know how many trees they will have to removed. Mr. Erickson said they will know for sure when they know exactly where the house will be placed.

Chairman Marback asked if the flags and stakes that are on the lot now are indicative of where the house will be. Mr. Erickson said the flagged stakes in the small tree show

where the house would be at 50 feet back. He said even if they turn the house more they will run into a setback and the driveway would be skewed compared to their neighbors.

Mr. Seifert asked how many more trees would have to be removed if the house set back 60 feet. Mr. Erickson said he does not know an exact amount, but it would be a lot more and of all different sizes.

Mr. Seifert asked how long they have owned the property. Mr. Erickson said they have owned it for a year and bought it because of the trees. He said they knew they would have to remove some trees but would like to cut down as few as possible. He said many of them are anywhere from 8-10 feet tall now and they will provide a great screen from their neighbors and would not impact anybody. He said both of their side neighbors are supportive of their request.

Mr. Janssen asked if they could change the design but keep the angle by shifting the garage further to the front of the house. Mr. Erickson said they could but it would look very out of place.

Ms. Erickson said they intentionally oversized the garage so as to avoid needing another variance in the future for things such as a shed.

Written comments in support of this request are attached as Exhibit C.

There being no further comments, Chairman Marback closed the public hearing.

Mr. Seifert asked if the 50-foot rear yard setback is standard or if that is because the lot is uncharacteristically large. Ms. Wollmuth said the rear yard setback requirement is 20% the average depth of the lot, not to exceed 75 feet, and added that this lot is quite deep compared to others.

Ms. Clark asked if the township provided any comments. Ms. Wollmuth said they did not.

Mr. Seifert said he is having difficulty agreeing with the request because of the need to avoid the trees.

Chairman Marback said he can see the issues with the private roadway involved as well as the length of the lot.

Ms. Clark said if the request is approved it will limit if and where they can place accessory buildings in the future, however, a 50-foot rear yard setback is similar to others nearby, the lot is oddly shaped and the adjacent neighbors support it.

MOTION: A motion was made by Mr. Seifert to deny the variance to reduce the rear yard setback along the east side of their property from sixty-four (64) feet to fifty

(50) feet for the purpose of constructing a single-family dwelling on Lot 2, Block 1, Enchanted Woods Subdivision (6565 Evergreen Avenue). The motion died for lack of a second.

MOTION: A motion was made by Mr. Wohl to approve the variance to reduce the rear yard setback along the east side of their property from sixty-four (64) feet to fifty (50) feet for the purpose of constructing a single-family dwelling on Lot 2, Block 1, Enchanted Woods Subdivision (6565 Evergreen Avenue), based on the unusual configuration of the lot requiring an increased rear yard setback. The motion was seconded by Ms. Clark and with Board Members Clark, Janssen, Marback and Wohl voting in favor of the motion, the motion was approved and the variance was granted. Mr. Seifert opposed the motion.

VARIANCE FROM SECTION 14-03-10 – LOTS 1-7 AND LOTS 21-24 AND ALL OF THE VACATED ALLEY ADJACENT TO THE EAST-WEST AND NORTH-SOUTH ALLEYS OF THE EAST HALF OF SAID BLOCK, BLOCK 33, WILLIAM'S SURVEY (1019 EAST FRONT AVENUE)

Chairman Marback stated the applicant, Boll Properties, is requesting a variance to reduce the amount of off-street parking spaces required as a result of converting a portion of an existing building into a microbrewery.

Ms. Wollmuth then gave an overview of the request and included the following findings:

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the MA-Industrial zoning classifications.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Ms. Wollmuth said staff recommends reviewing the findings in the staff report and modifying them as necessary to support the decision of the Board.

Chairman Marback asked if the parking would be reduced to 33 spaces or 38 spaces. Ms. Wollmuth said it would be 38 spaces if the variance is granted.

Ms. Clark asked if the number of spaces required is based on the space to be occupied by the microbrewery. Ms. Wollmuth said that parking is typically calculated by gross square foot and the assembly space in this area was used when calculating parking. Ms. Clark asked if there would be a large part not being utilized by the general public. Ms. Wollmuth said that is also correct, that the required parking was calculated based on assembly space and staff.

Mr. Blaskowski said the parking ordinance does not define this particular use so they calculated it similar to that of a restaurant/bar/assembly use and then added the number of staff parking spaces that would be needed.

Ms. Clark asked what other use would require less parking. Ms. Wollmuth said the calculation used is the one that is least restrictive. She said a lot of adaptive reuse is happening in this part of town and will probably see more situations similar to this one.

Chairman Marback opened the public hearing.

Kyle Holwagner, Daniel Companies, said this property was developed around 1920 and they have looked at many other opportunities for a space to occupy. He said they plan on tearing down one building on the property to make room for parking and have no other solution to reduce the variance request any further. He added that they met with City staff and were advised that because of the current ordinance, the only option would be to try to obtain a variance. He said this is not an overly parked area and the existing business operations should not be negatively impacted by overflow parking being in the street. He went on to explain that staff can park by the adjacent business overhead doors on-site during their off hours, but they cannot show that as official parking on the site plan itself or include in the final count of spaces. He said there would not be a lot of activity on the property until after 4:00 PM and there are many other businesses out of compliance as it relates to parking nearby as well and that does not justify this variance, but it is happening.

Todd Sattler, Laughing Sun Brewing Company, said he has a passion for beer brewing and was the first in North Dakota since the 1960's to operate a brewery. He said he is specially licensed so is not classified as a bar or tavern as indicated in the zoning ordinance. He said they primarily manufacture beer with some external sales and a tap room. He said they are trying to fill a demand for their types of beer and since 2014 have looked at over 100 spaces for a second location. He said they need manufacturing space as well as retail space and this building fits those needs. He added that they would be close to downtown but in a more industrial area and the building already has the adequate water lines, power sources and fire suppression needed for this type of use. He said they are adding food to their menu and the calculation of parking seems large since there are no provisions in the current ordinance that specify parking requirements for microbreweries. He said he has seen parking be calculated at anywhere from one space per 250 square feet to one space per 75 square feet, adding that bars are calculated at one space per 50 square feet. He said they are not a bar or tavern and does not feel that

calculation should apply to them. He said based on the calculation they were given he would need three times more spaces than they can provide and feels that does not make sense based on the small amount of public space that would actually be used. He said it would be beneficial if it was viewed as a blended use somehow at a one space per 150 square feet ratio.

Ms. Clark asked how large their current space is and if that is considered an assembly area. Mr. Sattler said their location on 5th Street is about 800 square feet and the new one would be three times that size. He said he feels the amount of parking they can offer is enough to accommodate that.

Mr. Holwagner said there is a challenge here of the property being just outside of the downtown zoning and parking districts but it is an area of redevelopment and understands it is challenging to grant a variance such as this. He said they will use street parking if needed without any foreseen impact on the neighborhood, but will never meet the current parking requirements. He said the building renovations would also fit that of the neighboring businesses to improve aesthetics.

There being no further comments, Chairman Marback closed the public hearing.

Ms. Clark asked if separate variance would be needed if the cabinet company leaves and a different use goes into their space. Ms. Wollmuth said a new use would need to meet the parking requirements or obtain a variance, however, City staff is considering implementing a parking overlay district to accommodate adaptive reuses of buildings in this area, but that will take some time yet. She said based on the current ordinance requirements, a new use would require a new variance.

Ms. Clark asked if the neighboring Bistro restaurant meets their parking requirement. Mr. Blaskowski said without knowing exactly how many square feet it is and how many spaces they have he could not say, but they are a bar/restaurant use and share parking as well.

Mr. Janssen said he feels they will see more requests like this one in the future and any use in this area is going to struggle to come up with the required number of parking spaces.

Ms. Clark said Big Muddy Crossfit nearby had the same situation.

Mr. Wohl said 111 spaces might not be the right number, but putting a significant amount of overflow parking on the street with a residential neighborhood half a block away will impact those residents. He said they can discuss the right number for the 235 seats being provided inside but at one or two people per vehicle would result in 100 cars or more if they are at full capacity.

Ms. Clark said the parking lot would be full in that case with a lot of on-street parking and maybe the motion should limit the use since it was calculated similar to a bar/restaurant use.

Mr. Blaskowski said this particular use would not be like that of a family style restaurant and the brewing space was calculated separately. He said a microbrewery is a specific business and considered the use, the 235 seats offered and the presence of a sound stage were considered when calculating the number of parking spaces needed. He said if they ever decided to turn the brewing area into seating they would have to add more parking to accommodate that.

MOTION: A motion was made by Mr. Seifert to approve the variance to reduce the amount of off-street parking spaces to thirty-eight (38) spaces as a result of converting a portion of an existing building into a microbrewery on Lots 1-7 and Lots 21-24 and all of the vacated alley adjacent to the east-west and north-south alleys of the East half of said block, Block 33, William's Survey (1019 East Front Avenue), based on an overall limited amount of parking space in the area and the location not being in the downtown parking district. The motion was seconded by Ms. Clark and with Board Members Clark, Janssen, Marback and Seifert voting in favor of the motion, the motion was approved and the variance was granted. Board Member Wohl opposed the motion.

OTHER BUSINESS

REVIEW OF PUBLIC HEARING PROCEDURES

Ms. Wollmuth said in an effort to be consistent with all City Boards, including the Planning and Zoning Commission, Board of Adjustment and Renaissance Zone Authority, staff has formalized the public hearing procedures. She explained that there has been instances in the past where roomfuls of people have made meetings difficult, so this is really for the general public and the need to make them aware of how these meetings are ran. She said they will be included in every packet and on the website going forward, if that is the wish of the Board at this time.

Mr. Seifert asked if it is a requirement that there be a motion when the public hearing closes in order to continue with their discussion. Ms. Wollmuth said that is correct.

Chairman Marback said he would like people to know that the silence of the members just means they are working on their motion, but they do try and prepare ahead of time so as to avoid that long pause.

ADJOURNMENT

There being no further business, Chairman Marback declared the meeting of the Bismarck Board of Adjustment adjourned at 6:31 p.m. to meet again on October 5, 2017.

Respectfully Submitted,

Hilary Balzum
Recording Secretary

APPROVED:

Michael Marback, Chairman

DRAFT

From: [Planning - General Mailbox](#)
To: [Carl Hokenstad](#); [Daniel Nairn](#); [Hilary Balzum](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Project #VAR2017-019
Date: Tuesday, August 29, 2017 10:44:16 AM

From: Earl Steidler [mailto: [REDACTED]]
Sent: Tuesday, August 29, 2017 8:21 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Project #VAR2017-019

We have no problem giving our OK to the variance requested by Bradley & Kara Erickson, for their home location, lot #2, Enchanted Woods subdivision; 6565 Evergreen Avenue.

Their requested location, to be 53.9ft setback from the east side property line, will actually minimize impact on the property, by reducing cutting down additional natural trees.

Also, we get most of our winter runoff, coming from the northeast corner, along the west edge of their lot, along the gravel road, or Evergreen Avenue. The requested location will enable free flow of this runoff.

Their requested location will be surrounded by trees on all sides, with lots of tall pine trees on the east side of the property line, and as they grow will soon block any view of their home on the east side.

I also believe they will be excellent neighbors.

Earl & Julie Steidler

lot #4

6525 Evergreen Avenue

Enchanted Woods Subdivision

29 August 2017
3611 N. 19th St., Unit A.
Bismarck, ND 58503

Community Development Department
Planning Division
P. O. Box 5503
Bismarck, ND 58506-5503

RECEIVED
SEP 01 2017

Dear Planners:

Thank you for allowing my comments on the proposed building at 3539 Augusta Place. We are located immediately across West of 3559 Augusta Place in a 4-unit condo. It would appear from the Lot Survey Exhibit that the request is based perhaps on a perceived need to change the setback to allow for a patio or deck on the back side of the building. The patio could be shifted to the north and placed on more level ground. We believe that the building should be designed to fit the building site and not the building site change to fit the building design. We believe this request for a variance should be disallowed. Is there a concern in the planner's opinion building on level ground above these steep slopes? As evidenced in other areas of the Hay Creek watershed, cccccccccccccccccccccccccccsteep slope are subject to slippage when additional water from irrigation is added to the lawns above the steep slopes.

Respectfully submitted:

Sylvester C. Ekart

September 6, 2017

Community Development Department
Planning Division
PO Box 5503
Bismarck, ND 58506-5503

To whom it may concern:

I am a homeowner residing on N 19th Street, Bismarck, ND beside Augusta Place.

I am opposed to the 15-foot variance setback requested on Lot 1, Edgewood Village First Addition, 3559 Augusta Place for the construction of a single family home. The 15-foot setback would negatively impact us aesthetically, as well as water runoff and noise level.

The other homes on Augusta Drive are set back 25 feet according to Code of Ordinances – R10 Residential front yard setbacks.

Please adhere to City Code.

Sincerely,

Janita Ellingson
Dale Ellingson
3601 N. 19th ST - Unit 4

September 6, 2017

Community Development Department
Planning Division
PO Box 5503
Bismarck, ND 58506-5503

To whom it may concern:

I am a homeowner residing on N 19th Street, Bismarck, ND beside Augusta Place.

I am opposed to the 15-foot variance setback requested on Lot 1, Edgewood Village First Addition, 3559 Augusta Place for the construction of a single family home. The 15-foot setback would negatively impact us aesthetically, as well as water runoff and noise level.

The other homes on Augusta Drive are set back 25 feet according to Code of Ordinances – R10 Residential front yard setbacks.

Please adhere to City Code.

Sincerely,

Mary Gernes
3601 N 19th St #3

September 6, 2017

Community Development Department
Planning Division
PO Box 5503
Bismarck, ND 58506-5503

To whom it may concern:

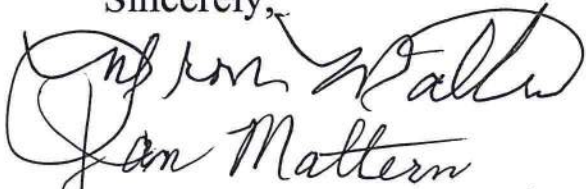
I am a homeowner residing on N 19th Street, Bismarck, ND beside Augusta Place.

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The other homes on Augusta Drive are set back 25 feet according to Code of Ordinances – R10 Residential front yard setbacks.

Please adhere to City Code.

Sincerely,


Jan Mattern
3601 N 19th St #2

September 6, 2017

Community Development Department
Planning Division
PO Box 5503
Bismarck, ND 58506-5503

To whom it may concern:

I am a homeowner residing on N 19th Street, Bismarck, ND beside Augusta Place.

I am opposed to the 15-foot variance setback requested on Lot 1, Edgewood Village First Addition, 3559 Augusta Place for the construction of a single family home. The 15-foot setback would negatively impart us aesthetically, as well as water runoff and noise level.

The other homes on Augusta Drive are set back 25 feet according to Code of Ordinances – R10 Residential front yard setbacks.

Please adhere to City Code.

Sincerely,

Leo C Frig
3601 Nth 19th St Condo 1

September 6, 2017

Community Development Department
Planning Division
PO Box 5503
Bismarck, ND 58506-5503

To whom it may concern:

I am a homeowner residing on N 19th Street, Bismarck, ND beside Augusta Place.

I am opposed to the 15-foot variance setback requested on Lot 1, Edgewood Village First Addition, 3559 Augusta Place for the construction of a single family home. The 15-foot setback would negatively impart us aesthetically, as well as water runoff and noise level.

The other homes on Augusta Drive are set back 25 feet according to Code of Ordinances – R10 Residential front yard setbacks.

Please adhere to City Code.

Sincerely,

*Rose Halverson
3611 N. 19th Unit D
Bismarck, ND 58503*

September 6, 2017

Community Development Department
Planning Division
PO Box 5503
Bismarck, ND 58506-5503

To whom it may concern:

I am a homeowner residing on N 19th Street, Bismarck, ND beside Augusta Place.

I am opposed to the 15-foot variance setback requested on Lot 1, Edgewood Village First Addition, 3559 Augusta Place for the construction of a single family home. The 15-foot setback would negatively impact us aesthetically, as well as water runoff and noise level.

The other homes on Augusta Drive are set back 25 feet according to Code of Ordinances – R10 Residential front yard setbacks.

Please adhere to City Code.

Sincerely,

Sally Bohmbrach
3611 N 19th St., Unit C
Bismarck, ND 58503

September 6, 2017

Community Development Department
Planning Division
PO Box 5503
Bismarck, ND 58506-5503

To whom it may concern:

I am a homeowner residing on N 19th Street, Bismarck, ND beside Augusta Place.

I am opposed to the 15-foot variance setback requested on Lot 1, Edgewood Village First Addition, 3559 Augusta Place for the construction of a single family home. The 15-foot setback would negatively impact us aesthetically, as well as water runoff and noise level.

The other homes on Augusta Drive are set back 25 feet according to Code of Ordinances – R10 Residential front yard setbacks.

Please adhere to City Code.

Sincerely,

Myrna Dille
3611 N. 19th St - Unit B
Bismarck ND 58503

September 6, 2017

Community Development Department
Planning Division
PO Box 5503
Bismarck, ND 58506-5503

To whom it may concern:

I am a homeowner residing on N 19th Street, Bismarck, ND beside Augusta Place.

I am opposed to the 15-foot variance setback requested on Lot 1, Edgewood Village First Addition, 3559 Augusta Place for the construction of a single family home. The 15-foot setback would negatively impact us aesthetically, as well as water runoff and noise level.

The other homes on Augusta Drive are set back 25 feet according to Code of Ordinances – R10 Residential front yard setbacks.

Please adhere to City Code.

Sincerely,

Leroy Job
3529 N. 19th St
Unit 2

September 6, 2017

Community Development Department
Planning Division
PO Box 5503
Bismarck, ND 58506-5503

To whom it may concern:

I am a homeowner residing on N 19th Street, Bismarck, ND beside Augusta Place.

I am opposed to the 15-foot variance setback requested on Lot 1, Edgewood Village First Addition, 3559 Augusta Place for the construction of a single family home. The 15-foot setback would negatively impart us aesthetically, as well as water runoff and noise level.

The other homes on Augusta Drive are set back 25 feet according to Code of Ordinances – R10 Residential front yard setbacks.

Please adhere to City Code.

Sincerely,

Amber 3529-4

September 6, 2017

Community Development Department
Planning Division
PO Box 5503
Bismarck, ND 58506-5503

To whom it may concern:

I am a homeowner residing on N 19th Street, Bismarck, ND beside Augusta Place.

I am opposed to the 15-foot variance setback requested on Lot 1, Edgewood Village First Addition, 3559 Augusta Place for the construction of a single family home. The 15-foot setback would negatively impact us aesthetically, as well as water runoff and noise level.

The other homes on Augusta Drive are set back 25 feet according to Code of Ordinances – R10 Residential front yard setbacks.

Please adhere to City Code.

Sincerely,

Maxine Kausei
3529 N. 19th St. #3
Bismarck ND 58503



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

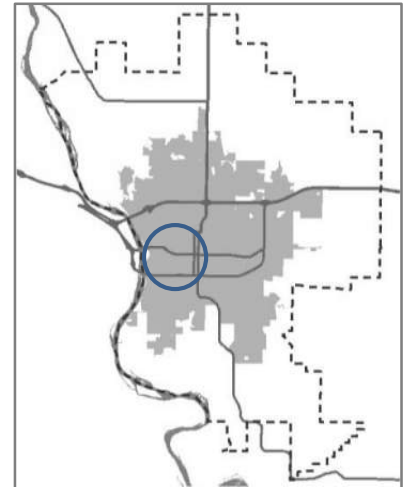
Agenda Item 2
October 5, 2017

Application for: Variance

TRAKiT Project ID: VAR2017-021

Project Summary

Title:	Tract 118 of part of Blocks 5 and 7, Original Plat (118 South 3 rd Street)
Status:	Board of Adjustment
Owner(s):	Capital Entertainment Corporation / Borrowed Buck Roadhouse
Project Contact:	Nate Hacker, JLG Architects
Location:	In central Bismarck, in the northwest quadrant of the intersection of South 3 rd Street and East Front Avenue.
Request:	Variance from Section 14-04-12(6) of the City Code of Ordinances (CG – Commercial / Front yard)



Staff Analysis

The applicant is requesting a variance to reduce the required front yard setback, located along the east side of the property adjacent to South 3rd Street, from fifteen (15) feet to two (2) feet in order to construct a 600 square foot deck onto the existing building (Borrowed Bucks Roadhouse).

Portions of the existing building were constructed in 1898. It is likely that when the building was constructed there were no regulations governing the building setback. Numerous building permits have been issued for various projects within the building since the City began keeping records. One permit, issued in 1962, indicates that the property was previously zoned MA – Industrial and the building setback was zero feet. The property was zoned CG – Commercial, requiring a front yard setback of fifteen (15) feet in the early 1990's.

Applicable Provision(s) of Zoning Ordinance

Section 14-02-03 of the City Code of Ordinances (Definitions) defines a variance as, "A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular

hardship upon the owner, as distinguished from a mere inconvenience or desire to increase the financial return."

Section 14-04-12(6) of the City Code of Ordinances states, "A fifteen (15) foot front yard shall be required of any building in a CG – Commercial district."

According to the site plan submitted with the application, the 600 square foot deck is proposed to be located two (2) feet from the front property line located along the east side of the property, adjacent to South 3rd Street.

Required Findings of Fact

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within CG - Commercial zoning classifications.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.

(continued)

5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Attachments

1. Location Map
2. Site plan
3. Written Statement of Hardship

Staff Recommendation

Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board.

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov



Proposed Variance

Tract 118 of part of Blocks 5 and 7, Original Plat

Trakit Project VAR2017-021

Location Map



0 0.125 0.25 0.5 Miles



City Limits



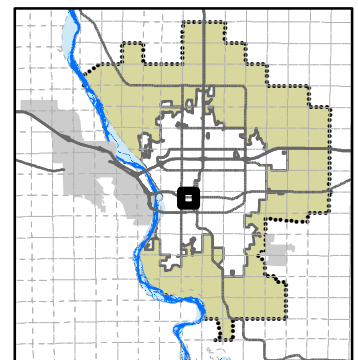
Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
September 11, 2017 (HLB)

This map is for representational use only and does
not represent a survey. No liability is assumed as
to the accuracy of the data delineated hereon.





City of Bismarck
Community Development Department
Planning Division
Phone: 701-355-1840 * FAX: 701-222-6450 * TDD: 711
PO Box 5503 * Bismarck, ND 58506-5503
planning@bismarcknd.gov

WRITTEN STATEMENT OF HARDSHIP (VARIANCE REQUEST)

Last Revised: 01/2017

NOTE: WRITTEN STATEMENTS OF HARDSHIP MUST ACCOMPANY EVERY VARIANCE REQUEST APPLICATION

PROPERTY INFORMATION

Property Address or Legal Description:
(Lot, Block, Addition/Subdivision)

118 South Third Street, Bismarck, ND 58504

Location of Property:



City of Bismarck



ETA

Type of Variance Requested:

Encroachment into the front yard set back.

Applicable Zoning Ordinance:
(Chapter/Section)

14-04-12.6 CG Commercial District - Front Yard

Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features – such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition – that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)

The 15 ft front yard setback requirement, per the above zoning ordinance, would inhibit the ability to develop and enhance this portion of the site to its maximum potential. Currently, this portion of the building and site on the southeast corner, where the new deck is being proposed, currently presents itself to the 3rd Street and Front Avenue Intersection as a "back-of-house" and/or more utility type function.



Describe how these limitations would deprive you of reasonable use of the land or building involved, and result in unnecessary hardship.

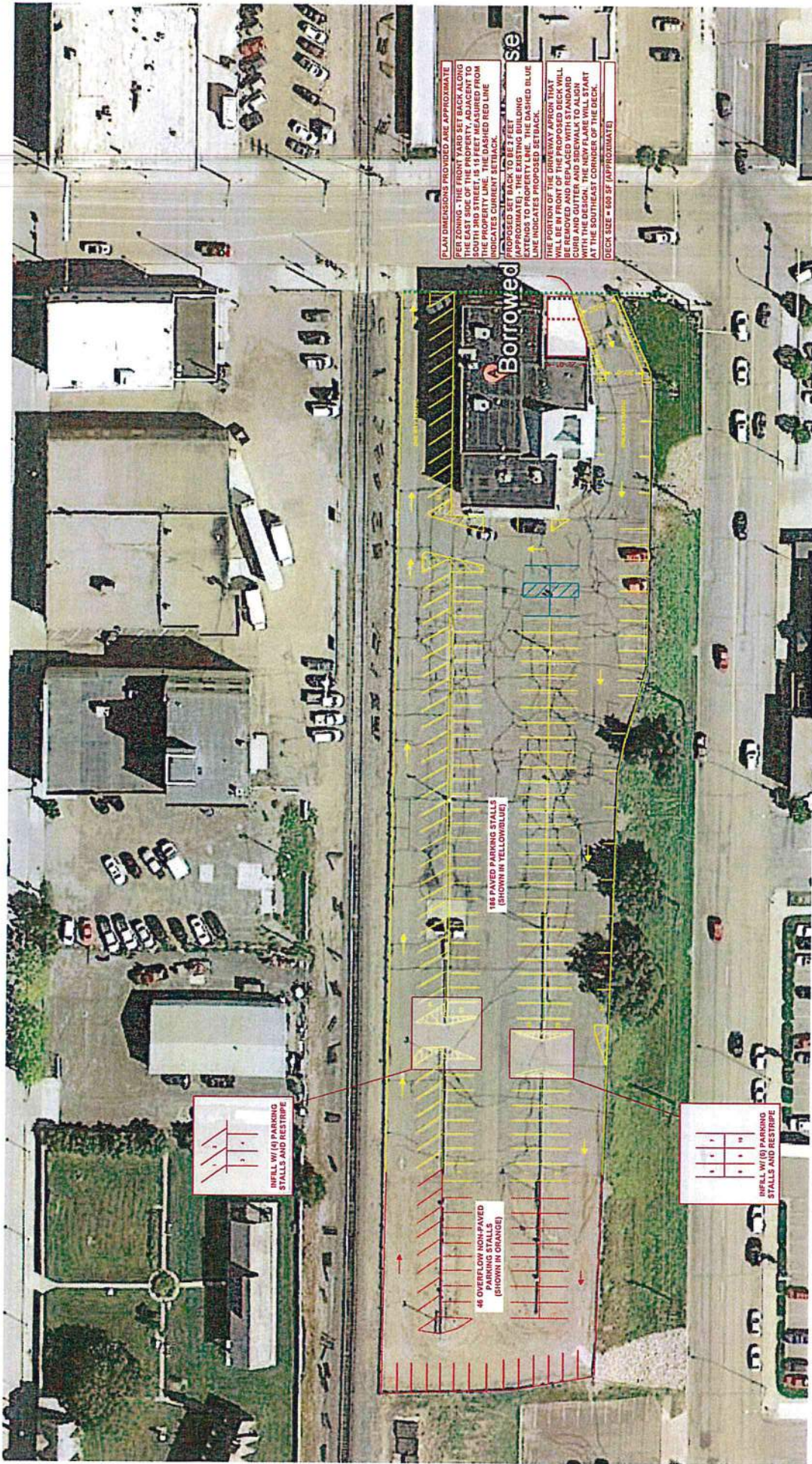
The existing building currently extends into the front yard setback, extending to the property line and abutting to the sidewalk along 3rd Street. The front yard setback requirement would limit the ability to create and use this development opportunity to create a more cohesive and positive design aesthetic between the existing building, proposed deck, site, and frontage view along a busy Downtown Bismarck corridor. In addition to the site and street scape enhancements, activation of the site with patrons, is widely understood in urban planning and design to help to create safer streets.

There were other locations on site that were considered for a proposed deck or patio, but they posed additional hardships in regards to their adverse affects to the current parking configurations, traffic circulation, and also the potential proximity to the railroad and its associated nuisances.



Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.

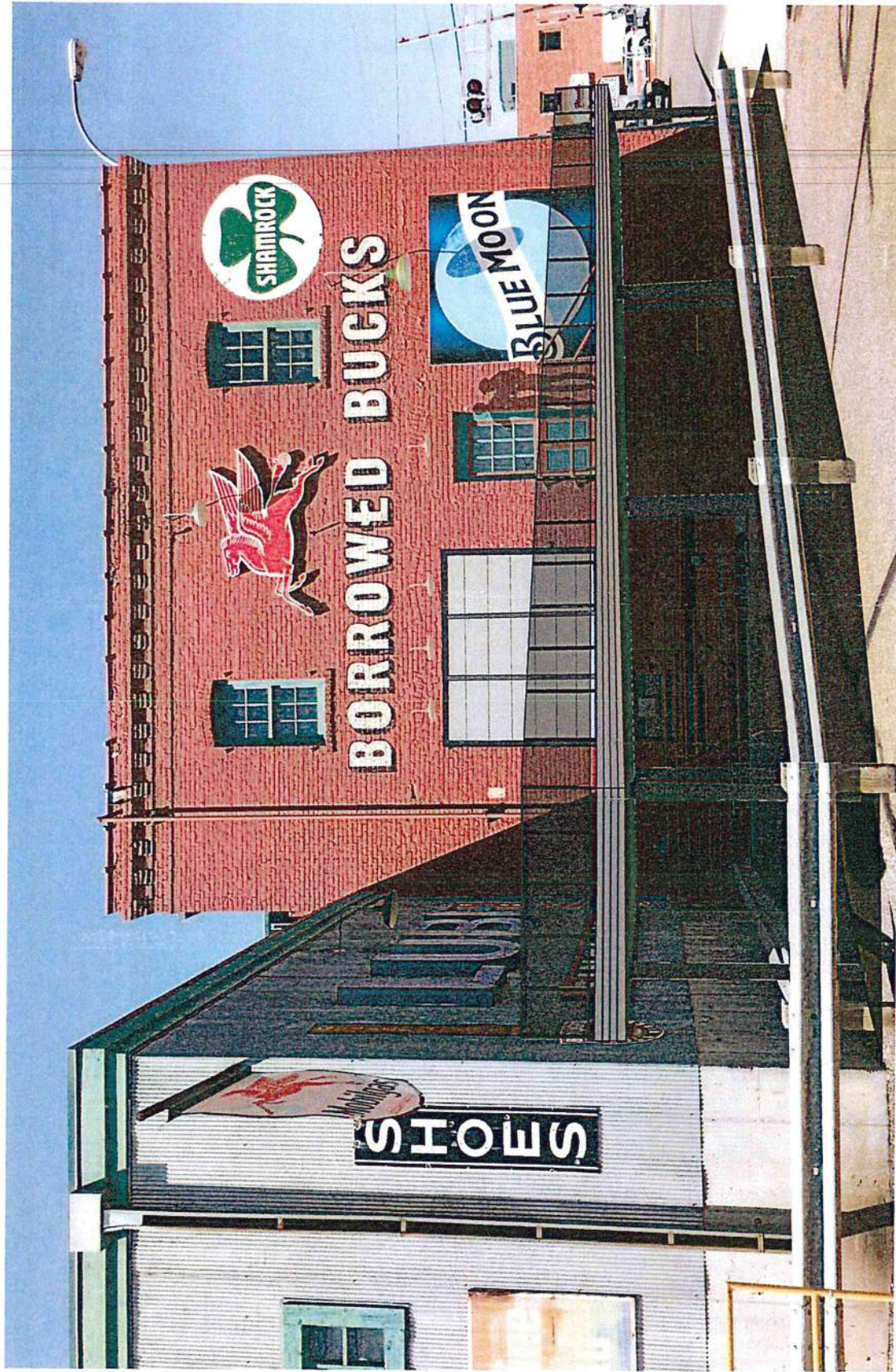
The location being proposed for the deck addition is the ideal location on this site for environmental factors, including building protection/shelter from northwest winds and shade from the intense afternoon/evening sun.



BISMARCK BORROWED BUCKS ROADHOUSE OUTDOOR DECK

SITE PLAN

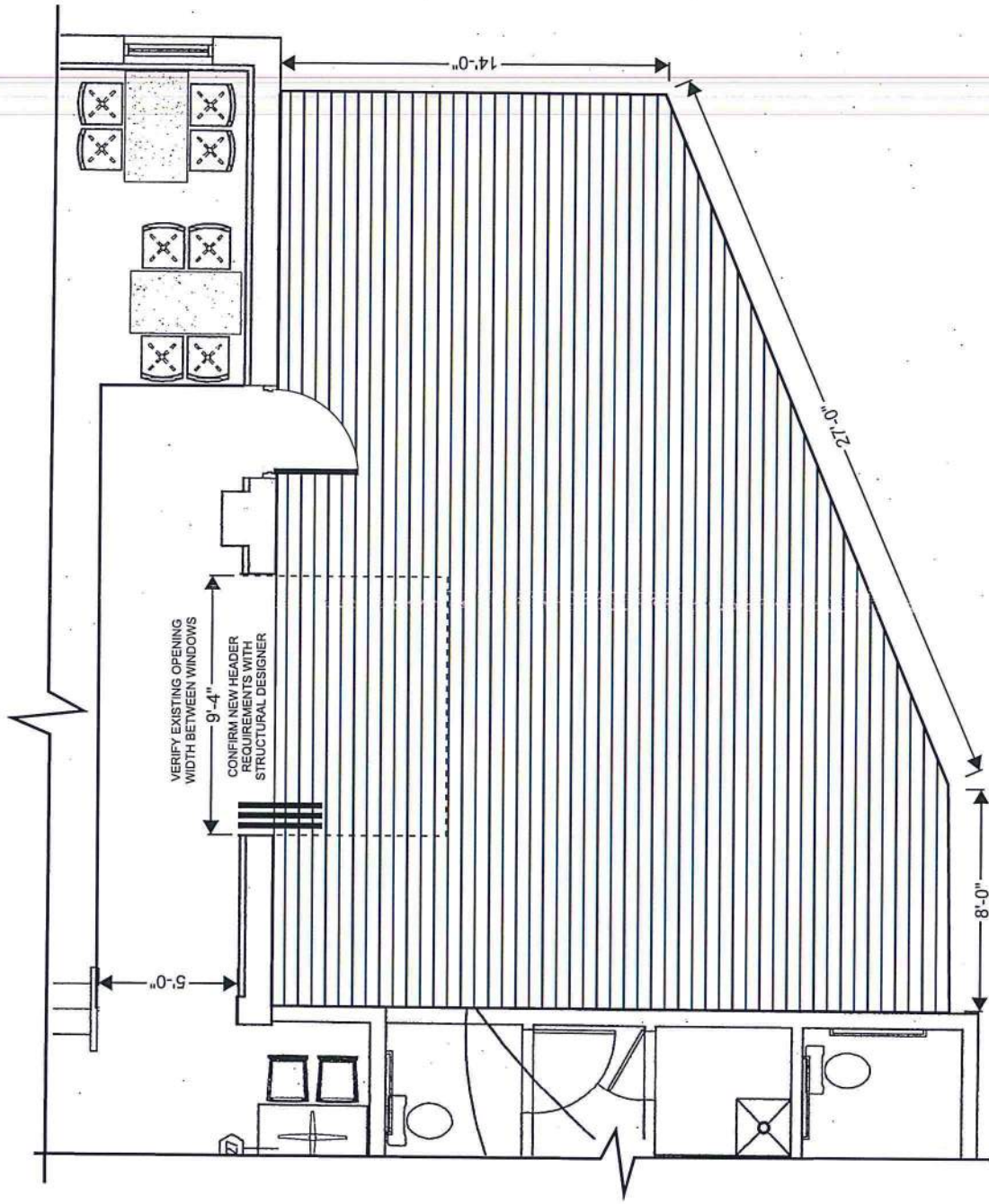
SEPTEMBER 8, 2017 | JLG 00000 | © 2017 JLG ARCHITECTS



BISMARCK BORROWED BUCKS ROADHOUSE OUTDOOR DECK PERSPECTIVE @ 3RD STREET AND FRONT AVENUE

SEPTEMBER 8, 2017 | JLG 000000 | © 2017 JLG ARCHITECTS





BISMARCK BORROWED BUCKS ROADHOUSE OUTDOOR DECK FLOOR PLAN

SEPTEMBER 8, 2017 | JLG 00000 | © 2017 JLG ARCHITECTS



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

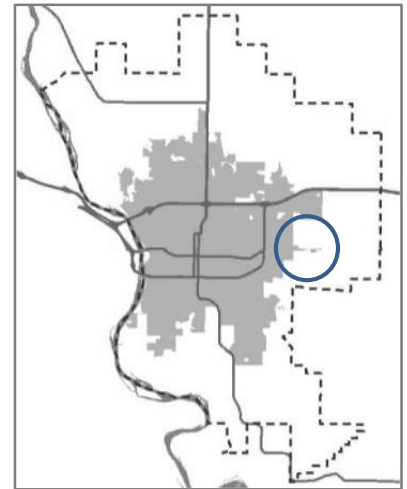
Agenda Item 3
October 5, 2017

Application for: Variance

TRAKiT Project ID: VAR2017-020

Project Summary

Title:	Lot 5 and the North 50 feet of Lot 6, Block 1, Gomke Estates (5750 East Main Avenue)
Status:	Board of Adjustment
Owner(s):	Quality Title Accommodation Party I, Inc.
Project Contact:	Ryan Deichert
Location:	East of Bismarck, between North 52 nd Street and North 66 th Street, north of East Main Avenue / County Highway 10.
Request:	Variance from Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading)



Staff Analysis

The applicant is requesting a variance to eliminate the requirement to pave the access road from East Main Avenue / County Highway 10 to his property in order to construct a 4,800 square foot storage building with office space.

The property would be accessed via an existing platted thirty-three (33) foot access easement. This access easement was dedicated in the plat of Gomke Estates First Replat and extends north from East Main Avenue / County Highway 10 to the southern edge of the applicant's property and serves multiple property owners in this area. A copy of the plat is attached.

The zoning ordinance requires that all required off-street parking spaces be paved with a dustless all weather surface material. In addition, access to required off-street parking spaces must also be paved. The site plan for the proposed building indicates that off-street parking spaces will be provided and paved. This would require that the existing thirty-three (33) foot access easement be paved from East Main Avenue / County Highway 10 to the southern edge of the applicant's property.

Applicable Provision(s) of Zoning Ordinance

Section 14-02-03 of the City Code of Ordinances (Definitions) defines a variance as, "A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or desire to increase the financial return."

Section 14-03-10 of the City Code of Ordinances (Off-street parking and Loading) states, "All off-street parking spaces required and all driveways on private property leading to such parking areas shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material." According to the applicant, the access from East Main Avenue / County Highway 10 to his property will not be paved.

Required Findings of Fact

1. The need for a variance is not based on special circumstances or conditions unique to the specific

(continued)

parcel of land involved that are not generally applicable to other properties in this area and within MA - Industrial zoning classifications.

2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Staff Recommendation

Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board.

Attachments

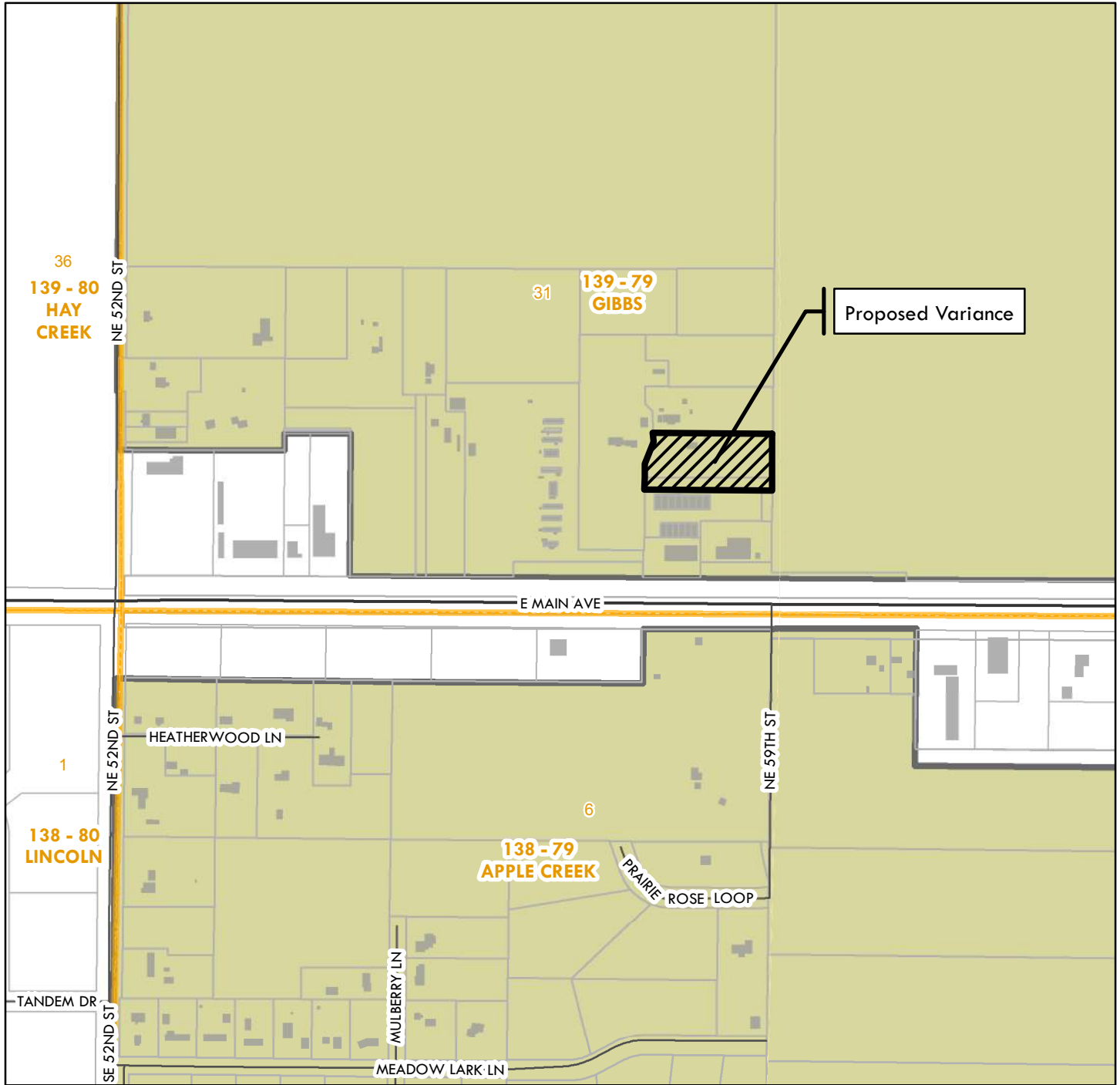
1. Location Map
2. Site plan
3. Gomke Estates First Replat
4. Written Statement of Hardship

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov



Proposed Variance
Lot 5 and the North 50 feet of Lot 6, Block 1, Gomke Estates

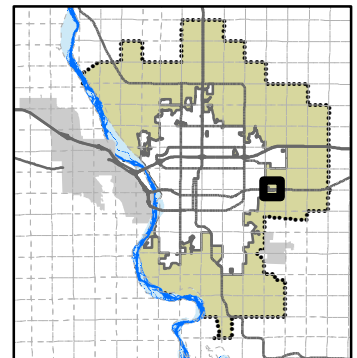
Project
Location Map



0 0.125 0.25 0.5 Miles

 City Limits  Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
September 29, 2017 (HLB)

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City of Bismarck
Community Development Department
Planning Division
Phone: 701-355-1840 * FAX: 701-222-6450 * TDD: 711
PO Box 5503 * Bismarck, ND 58506-5503
planning@bismarcknd.gov

Last Revised: 01/2017

WRITTEN STATEMENT OF HARDSHIP (VARIANCE REQUEST)

NOTE: WRITTEN STATEMENTS OF HARDSHIP MUST ACCOMPANY EVERY VARIANCE REQUEST APPLICATION

PROPERTY INFORMATION

Property Address or Legal Description:
(Lot, Block, Addition/Subdivision)

Lot 5 + N 50' Lot 6 Comke Estates

Location of Property:

☐ City of Bismarck

☒ ETA

Type of Variance Requested:

Dustless road surfacing requirement - hauling Gravel
parking spots required

Applicable Zoning Ordinance:
(Chapter/Section)

Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features – such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition – that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)

I am constructing a new shop which requires a Dustless road surface. The shop is on property adjacent to my principal dwelling and will be used for my sole purposes. ~~the property is used by me personally~~ The Impact of the traffic will be minimally affected. Also since the property is used by me personally, I will not have use for the required parking spots. I have a 30'x30' parking lot which will account for 6 of the 9 required spots.

Describe how these limitations would deprive you of reasonable use of the land or building involved, and result in unnecessary hardship.

The existing gravel road is currently used by myself for my personal residence and neighbor to the west. A portion of the gravel road is used for the RV/mobile home park to the west and Condo Shop development to the south. Since the shop is for my use, the traffic on the existing road will have no noticeable changes. Also since the shop is for my personal use, I will not need the required parking spots.

Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.

The proposed shop is for my personal use accompanied by my total 11+ acres including my personal residence. The Shop will not increase traffic on the existing gravel road or have a hindrance on parking.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

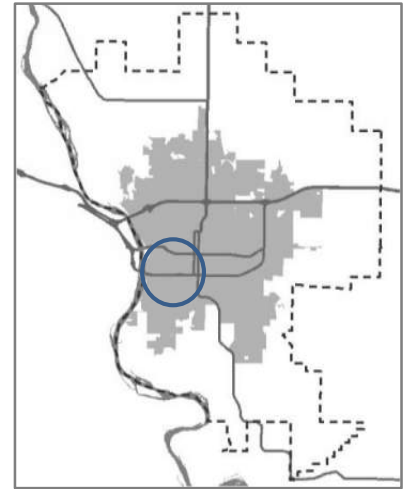
Agenda Item 4
October 5, 2017

Application for: Variance

TRAKiT Project ID: VAR2017-022

Project Summary

Title:	The South 94.05 feet of Lot 1, Block 2, Riverview Addition (404 West Rosser Avenue)
Status:	Board of Adjustment
Owner(s):	Jordan Hochhalter
Project Contact:	Jordan Hochhalter
Location:	In central Bismarck, west of North Washington Street in the northwest quadrant of the intersection of Raymond Street and West Rosser Avenue.
Request:	Variances from Sections 14-04-03(4) of the City Code of Ordinances (R5 – Residential / Lot Area); 14-04-03(6) of the City Code of Ordinances (R5 – Residential / Lot Coverage); 14-04-03(8) of the City Code of Ordinances (R5 – Residential Side Yard); 14-04-03(9) of the City Code of Ordinances (R5 – Residential / Rear Yard)



Staff Analysis

The applicant is requesting variances to increase the required maximum lot coverage from thirty (30) percent to forty-five (45) percent, reduce the required rear yard setback located along the north side of the property from twenty (20) feet to one (1) foot, reduce the required side yard setback located along the west side of the property from five (5) feet to three (3) feet and to reduce the minimum lot size for a lot / parcel platted prior to 1953 from 5,000 square feet to 4,703 square feet to allow the construction of a 110 square foot addition to the existing attached garage.

The proposed addition would replace an existing 40 square foot addition which was constructed a number of years ago. A building permit was not obtained for this addition.

The existing single-family residence was constructed in 1929. The building permit indicates that a required five (5) foot side yard setback along the west side of the property and a ten (10) foot side yard setback, located along the east side of the property, adjacent to Raymond Street, were required. The building permit also indicates that a front yard setback of thirty (30)

feet and a rear yard setback of twenty-six (26) feet be required. A copy of the building permit is attached.

The setback requirements at the time the building permit was obtained do not meet current requirements. It is unclear if the rear yard setback, located along the north side of the property, was ever met or was intended to include the attached garage.

Applicable Provision(s) of Zoning Ordinance

Section 14-02-03 of the City Code of Ordinances (Definitions) defines a variance as, "A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or desire to increase the financial return."

Section 14-04-03(4) of the City Code of Ordinances (Lot Area) states, "Each permitted structure hereafter erected, together with its accessory buildings, shall be located on a lot having an area of not less than seven thousand (7,000) square feet. Provided, however, that on a record lot corresponding to a plat recorded prior

(continued)

to 1953, a single-family dwelling and accessory buildings may be erected, provided said lot contains no less than five thousand (5,000) square feet.” According to our records, the lot size is four thousand seven hundred and three (4,703) square feet.

Section 14-04-03(6) of the City Code of Ordinances (Lot Coverage) states, “The ground area occupied by the principal and accessory buildings shall not exceed thirty (30) percent of the total area of the lot.”

According to the site plan submitted with the application, the total lot coverage would be forty-five (45) percent.

Section 14-04-03(8) of the City Code of Ordinances (Side Yard) states, “Each lot shall have two (2) side yards, one on each side of the principal building. The sum of the widths of the two (2) side yard shall not be less than twenty (20) percent of the average width of the lot, except in cases where the ratio between the front lot width and the rear lot width is three (3) or greater. In any lot having an average width of sixty (60) feet or less, each side yard shall not be less than ten (10) percent the average width of the lot, and in no case shall a side yard be less than five (5) feet in width. On any lot having an average width of greater than sixty (60) feet, neither side yard shall be less than six (6) feet in width. On any lot where the ratio between the front lot width and the rear lot width is three (3) or greater, the sum of the widths of the two (2) side yards need not be greater than sixteen (16) feet with neither side yard being less than eight (8) feet. No building on a corner lot shall have a side yard on the side street less than twenty-five (25) feet in width. Side yard measurements are to be taken at right angles to the building at the closest points to a property line.” As the average width of the lot is less than sixty (60) feet, a side yard setback of five (5) feet along the west side of the property is required. According to the site plan the proposed addition to the existing garage would be three (3) feet from the side property line.

Section 14-04-03(9) of the City Code of Ordinances (Rear Yard) states, “Each lot shall have a rear yard not less than twenty (20) feet in depth.” According to the

site plan, the existing garage is located one (1) foot from the rear property line located along the north side of the property.

Required Findings of Fact

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within R5 - Residential zoning classifications.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Staff Recommendation

Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board.

Attachments

1. Location Map
2. Site plan
3. 1929 Building Permit
4. Pictures of existing garage addition
5. Written Statement of Hardship

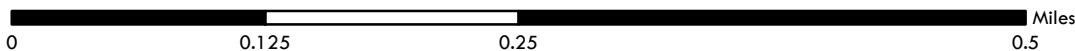
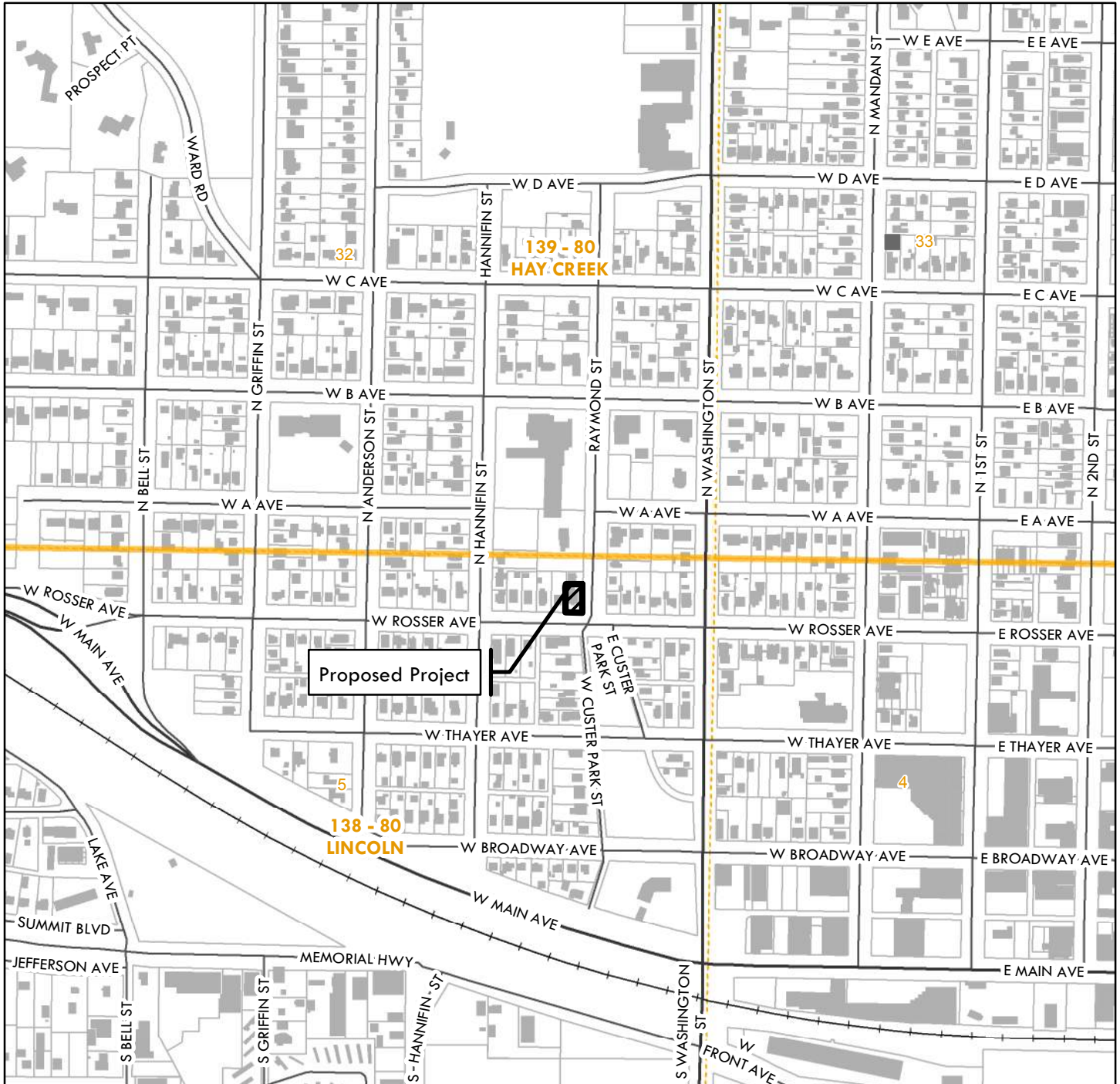


Proposed Variance

The South 94.05 feet of Lot 1, Block 2, Riverview Addition

Trakit Project VAR2017-022

Location Map

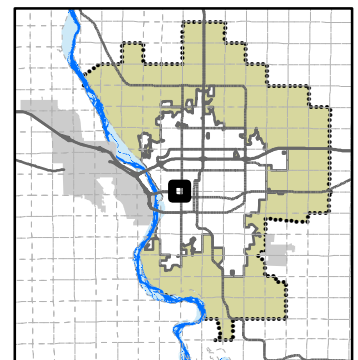


City Limits



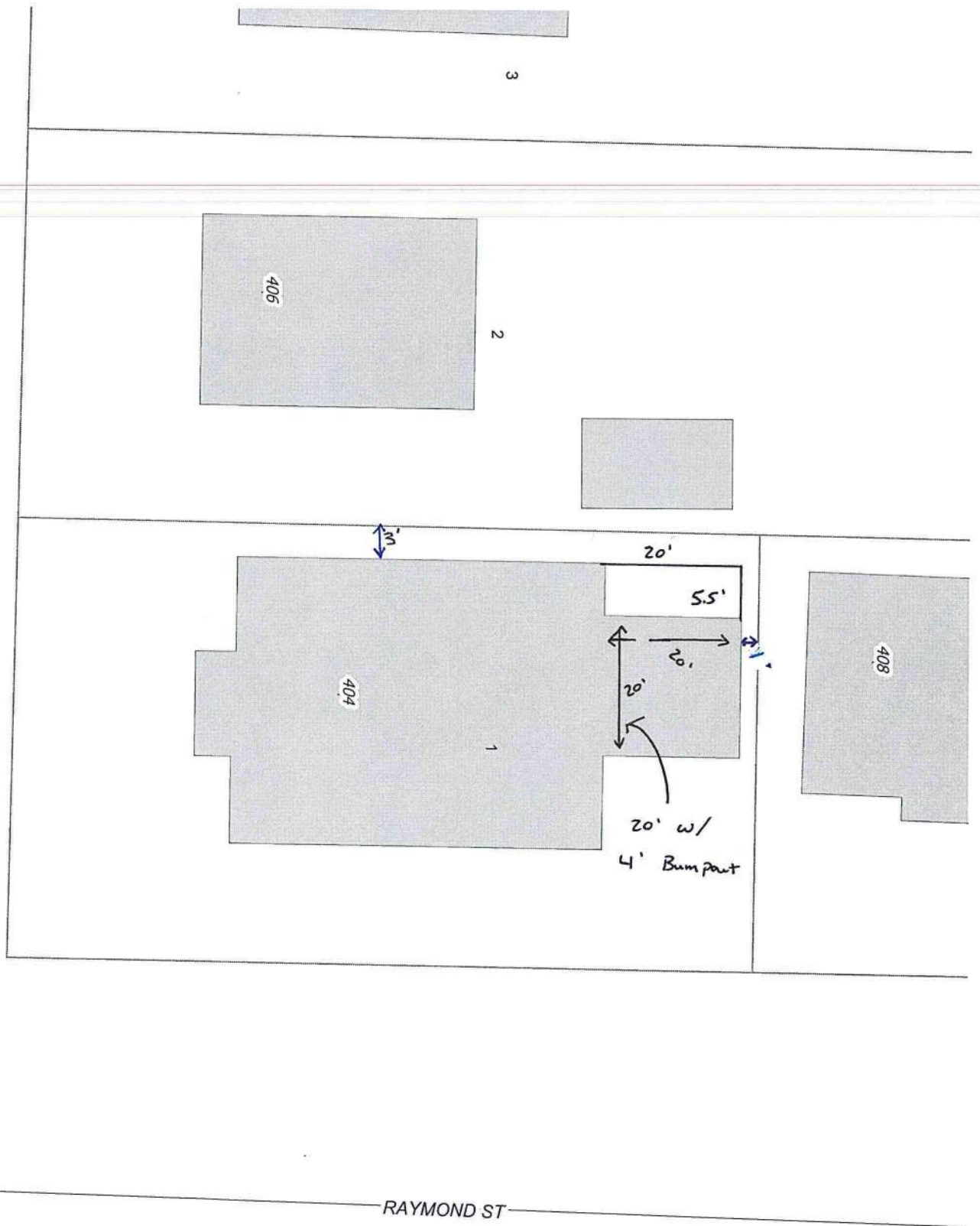
Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
September 12, 2017 (HLB)

This map is for representational use only and does
not represent a survey. No liability is assumed as
to the accuracy of the data delineated hereon.



RS, 1927
 4703
 1,411







REGISTRATION DEPARTMENT, BISMARCK, NORTH DAKOTA.

4/3/78

SIGNATURE

[Signature]

No. 28-127

APPLICATION FOR BUILDING PERMIT PLAT

Owner *Sam Hall*
Architect *S. V. Anderson*
Builders *S. V. Anderson*
No. *481*
Street *Ross Ave. N.*
Part of Lot *S. 1/4 100'*

Lot *1*
Block *2*
Addition *Residence*

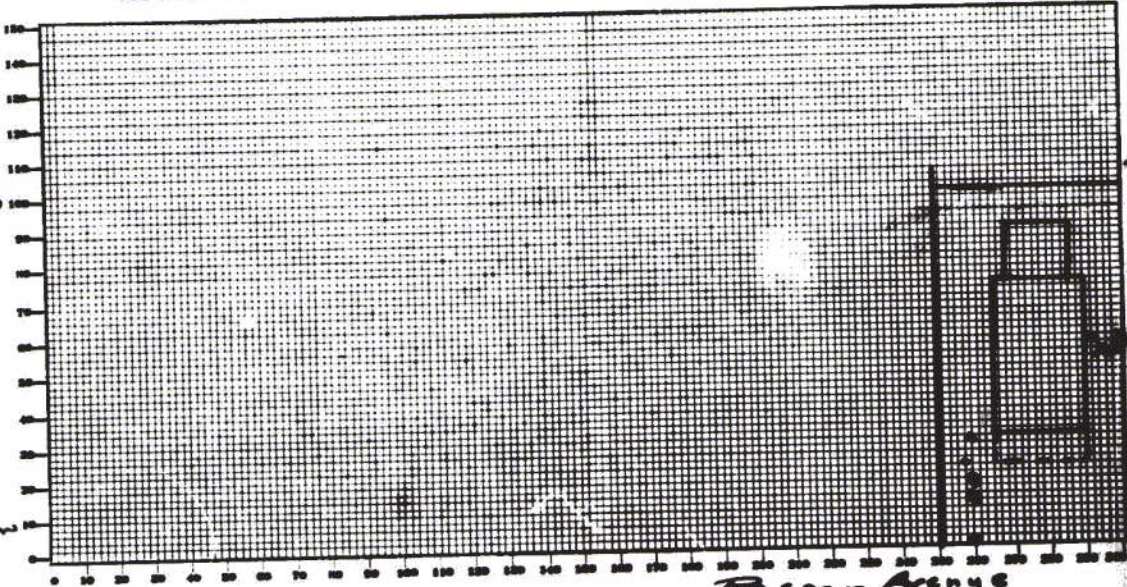
Dimensions of Proposed Building:

Depth *44*
Width *26*
Height *16*
Stories *1*
Porches *8 x 26 open*

Average Depth of Front Yards

Within Block *30'*
Depth of Front Yard *30'*
Depth of Rear Yard *26'*
Depth of Side Yards *10' 1/4 ... E 5' 1/2 ... West*
Width of Outer Courts *✓*
Width of Inner Courts *1*

Area of Main Building *1144*
Area of Accessory Buildings *320*
Total Area *1464*
Lot Area *5000*
% Lot Occupied *29.7%*
To Be Used As *Residence*
District *9 Residential*



Bismarck, North Dakota, 4/11, 1929

To the Building Inspector:

The undersigned hereby states that the facts set forth in the foregoing statement and on the above plat are true and correct.

M. H. [Signature]
Witness to Signature of Applicant

Approved as to conformity with regulations of Zoning Ordinance, 4/11, 1929.

M. H. [Signature]
Building Inspector

BUILDING INSPECTION FIELD REPORT

Permit No. *28-127* Address *481 Ross Ave. West*
Work Commenced *Permit issued 4/12/29* Work Completed *9/12/29*
Zoning Regulations Checked
Electrical Wiring Approved
Plumbing Approved
Chimney Construction
Miscellaneous *Residence*



City of Bismarck
Community Development Department
Planning Division
Phone: 701-355-1840 * FAX: 701-222-6450 * TDD: 711
PO Box 5503 * Bismarck, ND 58506-5503
planning@bismarcknd.gov

Last Revised: 01/2017

WRITTEN STATEMENT OF HARDSHIP (VARIANCE REQUEST)

NOTE: WRITTEN STATEMENTS OF HARDSHIP MUST ACCOMPANY EVERY VARIANCE REQUEST APPLICATION

PROPERTY INFORMATION

Property Address or Legal Description:
(Lot, Block, Addition/Subdivision)

404 West Rosser Ave.

Location of Property:

☒ City of Bismarck

☐ ETA

Type of Variance Requested:

R4, S4, lot coverage, non-conforming lot size

14-04-03

Applicable Zoning Ordinance:
(Chapter/Section)

Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features – such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition – that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)

My lot is too narrow to be able to conform to the current zoning ordinances. My house as it sits, is nonconforming.

Describe how these limitations would deprive you of reasonable use of the land or building involved, and result in unnecessary hardship.

The garage as it sits is both unusable/inhabitable. The length does not permit a truck to be parked within. Along with the rotted structure it is at risk to be a hazard. By allowing me a variance to not disturb any prior setbacks and tie into the original home foundation. This will add to the aesthetics of the home & surrounding properties while creating a usable space.

Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.

As stated above, I don't want to encroach any more than I already do with how my home sits @ the moment. Therefore, this would be the minimum variance I could procure, while still being courteous to my fellow neighbors. This would also gain my objective for a usable garage.